

preservation issues

NEWS FOR THE PRESERVATION COMMUNITY

MISSOURI DEPARTMENT OF NATURAL RESOURCES
HISTORIC PRESERVATION PROGRAM

★ PREMIERE EDITION ★

Shelley House Declared National Historic Landmark

The National Park Service recently announced the official designation of the Shelley House as a National Historic Landmark (NHL). A well-maintained, buff brick, two-family flat at 4600 Labadie, the Shelley House is located on a quiet street lined with similar structures in the predominantly black Fairgrounds Neighborhood of St. Louis. The modest physical appearance of the home, however, belies its importance as the key element in a legal battle, *Shelley v. Kraemer*, which led to a landmark 1948 decision by the Supreme Court abolishing racial restrictive covenants.

Historically, from the end of the Civil War, the United States moved toward a legally entrenched system of racial segregation upheld by a series of court cases beginning with the Civil Rights Cases of 1883. These cases fostered racial separation by holding that private invasion of individual rights was not prohibited by the Fourteenth Amendment to the Constitution. This meant that private citizens could legally enter into contracts respecting the control and disposition of their own property, including racial restrictive covenants limiting use and occupancy to persons of the Caucasian race.

A racial restrictive covenant was a mutual agreement entered into by a group of property owners not to sell, rent, lease, or otherwise convey a property to blacks or other minorities. The agreement frequently included not only the property owner but other cooperating parties as well, such as a real estate board or exchange or a neighborhood improvement association.

Between 1910 and 1940, the non-white population of St. Louis increased 150 percent. However, racial restrictive covenants limited the black population to small enclaves of city housing which became increasingly substandard due to overcrowding. By the time the J.D. Shelleys

migrated to St. Louis with their six children in 1930, the housing shortage for blacks was acute.

The Shelleys lived first with relatives in St. Louis and then in overcrowded, inadequate rental quarters in the segregated part of the city. But, in 1945, with the help of a black real estate agent, they purchased a home at 4600 Labadie.



The Shelley House, St. Louis, Missouri

The owners of the property were willing to sell to the Shelleys, and they were desperate enough to buy, despite a neighborhood covenant prohibiting the sale of properties to any member of the "negro or mongoloid race" under penalty of suit by the other property owners and forfeiture of title should the covenant be upheld in court. Steeling themselves for almost certain trouble ahead, the Shelleys purchased the property and moved in.

The Louis D. Kraemers, owners of other property on Labadie covered by the restrictive covenant, sued in the St. Louis Circuit Court to restrain the Shelleys from taking title to the property. The trial court held for

the Shelleys in November 1945. The Kraemers appealed, and the Missouri Supreme Court, on December 9, 1946, reversed the trial court and directed that the terms of the racial covenant be enforced.

The Shelleys then appealed to the United States Supreme Court and, on May 3, 1948, the Court rendered its landmark decision in *Shelley v. Kraemer*, holding that racial restrictive covenants cannot be enforced by the courts since this would constitute state action in violation of the Fourteenth Amendment.

The greatest achievement of *Shelley v. Kraemer* was to reinstate the viability of the Fourteenth Amendment, after 52 years, and render the doctrine of "separate but equal" vulnerable to future successful legal attack.

After announcing the designation of the Shelley House as a NHL, Jim Charleton, of the History Division of the National Park Service, stated, "because of the decision of the Supreme Court in *Shelley v. Kraemer*, the property [the Shelley House] has acquired national significance. It is symbolic of the freedom of all Americans, and all races, to own property without restriction by state or federal government and is, therefore, of exceptional importance."

The significance of the Shelley case and its impact upon American life has been and is profound. — Karen Grace

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UPDATES



Welcome to the premier issue of **Preservation Issues**, a newsletter designed for people with an interest in preserving the rich legacy of cultural resources our state has to offer.

The Missouri Department of Natural Resources (DNR) is charged not only with safeguarding Missouri's natural resources but the state's cultural resources as well. The department promotes the protection of buildings, structures, objects, and sites significant in Missouri history and prehistory for the enjoyment and enlightenment of future generations of Missourians.

This newsletter, is an outgrowth of our commitment to protect those valuable resources, and part of an ongoing education effort to encourage public involvement in the preservation process. Newsletter features will include periodic updates on Historic Preservation Program (HPP) activities; federal, state and local preservation programs; legislative summaries; and a calendar of events.

Through this newsletter, we respond to a need for timely information. Published bimonthly on recycled paper, this newsletter serves as a link between the preservation community and the department, and completes a chain of caring which encircles our resource policy.

I invite you to share this newsletter with friends interested in historic preservation and I welcome your thoughts.

Sincerely,

Tracy Mehan

Tracy Mehan

Tracy Mehan is the Director of the Missouri Department of Natural Resources and State Historic Preservation Officer



The Preservation Education Program (PEP) became the newest member of the Historic Preservation Program (HPP) team in late December. PEP was established both as a result of a department-wide strategic planning process which determined preservation

education a critical need for Missouri and due to the changing focus of HPP's responsibilities to federal programs. PEP's goals are to:

- publish a bimonthly newsletter for the preservation community (this is it!);
- publish a series of brochures describing HPP's programs (the "Inventory" brochure is now available);
- develop and promote preservation workshops and conferences (see Hannibal, next page);
- publish an annual report (the first is scheduled for Jan. 1992); and develop a heritage education curriculum for Missouri's public schools (negotiations are currently underway with the Department of Elementary and Secondary Education for a cooperative agreement to develop a video-based Missouri heritage curriculum).

As always, public input is welcome. Call (314) 751-7959 or write Karen Grace, Preservation Education Coordinator.—*Karen Grace*



The "most comprehensive collection of information about Missouri's rich variety of cultural resources may be under threat unless additional measures are taken to maintain and preserve them."

That was one of the findings of the Missouri Cultural Resource Inventory (CRI) study group appointed by G. Tracy Mehan, III, director of the Department of Natural Resources and State Historic Preservation Officer (SHPO). The findings and recommendations of the study group, coupled with recommendations outlined by the Department of Natural Resources' (DNR) strategic planning work group, have led to a number of changes for Missouri's CRI.

Efforts are now underway to enable the Historic Preservation Program (HPP) to preserve, maintain, and improve the accessibility of the CRI to the public:

- the department has made a \$95,000 inventory preservation package a top priority in its 1992 budget request;
- the HPP has prepared a brochure describing and explaining the content

of the CRI; the brochure is available to the public, call (314) 751-5365;

- the HPP is currently implementing a computerized Cultural Resource Inventory System (CRIS). Inventory information will be entered into CRIS and made available to users through a variety of methods. Approximately 4,000 records have been entered, including information on rural churches in Missouri, architectural/historic surveys of Lafayette, Cooper, and Pettis Counties, and National Register of Historic Places records for approximately half of the state. —*Lynn Shay*



The Missouri Main Street (MMS) Program is entering its second year of operation. Round II demon-

stration communities were picked last fall with the selection of Carthage, Clarksville, Kirkwood, Poplar Bluff, and Unionville. The five new communities join the Round I demonstration communities of Boonville, Clinton, Hannibal, Nevada, and Washington selected in 1989.

MMS is a preservation-based economic development program which seeks to promote downtown revitalization in the central business districts of communities with populations under 50,000. Using an approach developed by the National Main Street Center, a branch of the National Trust for Historic Preservation, Main Street helps communities focus their revitalization efforts in four specific areas: organization, promotion, and design.

Since, frequently, some of a community's most significant historic resources are found in the downtown area, the Historic Preservation Program (HPP) has been charged with providing assistance in the area of design. In addition to providing ongoing technical assistance and design advice to business and property owners in each of the communities participating in the program, HPP staff will assist in training project managers, design committee members, and members of boards of

The MMS Program is a joint effort between the Department of Natural Resources and the Department of Economic Development (DED). Additional assistance is provided by the National Main Street Center. Call John Gulick, MMS Program Coordinator, DED (314) 751-7939 or write P.O. Box 118, Jefferson City, MO 65102. —*Mark Miles*



The Historic Preservation Program (HPP) is pleased to announce the expansion of the Department of Natural Resources (DNR) Kansas City Regional Office, which will offer historic preservation assistance, among other environmental services, as a one-year pilot program. The office will serve a 21-county area in northwest Missouri extending north to the Iowa border and including Bates and Henry counties to the south. The establishment of a pilot project, department-wide regional office was a major recommendation of the department's 1991 strategic plan. The recommendation evolved from a desire to heighten public awareness to the full range of services available from the department and to encourage the public to use those services.

A staff of 31 will inaugurate the office, including representatives from the department's air and water pollution, hazardous and waste management, public drinking water, energy, geology and land survey, parks, recreation, and historic preservation programs.

The HPP coordinator will provide information on all HPP services and technical assistance to owners of historic properties upon request. A particular focus will be carrying the preservation message to communities not actively involved in preservation activities to date, building public awareness throughout the service region of the need to preserve Missouri's cultural resources, and the development of joint projects between the HPP and a number of communities to automate existing survey data from those communities for inclusion in the Missouri Cultural Resource Inventory (CRI) database.

Suggestions or comments regarding your preservation needs and how the new office can best assist you are welcome. Call Beverly Fleming, Historic Preservation Coordinator (816) 795-8655 to request assistance; or write 3800 S. Elizabeth Avenue, Suite G, Independence, MO 64057. — *Beverly Fleming*



The Bequette-Ribault House in Ste. Genevieve is the Historic Preservation Revolving Fund's (HPRF) latest acquisition (see right). The French vernacular "poteaux-en-terre" (post in ground) home, ca 1790-1808, is almost

fully restored and is for sale by the HPRF for \$43,500.

For more information regarding the HPRF or available properties, call (314) 751-5373 or write Jane Beetem, Revolving Fund Coordinator. — *Jane Beetem*

Annual Conference Slated for Hannibal

Plans are well underway for our 6th Annual Local Preservation Conference April 6-7. The theme of this year's conference, hosted by the Hannibal Chamber of Commerce, is **Preservation Challenges: Protecting, Promoting, Persevering**. Highlights of the '91 conference will be sessions on the preservation of historic "white elephants", fund raising, lobbying for preservation legislation, and heritage tourism. Several exciting social events are also planned including a dinner/dance cruise on the Mark Twain Riverboat. Call 314-751-7860 for a conference brochure.

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Editor: Karen Grace
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Dig It ✂

What may be the oldest prehistoric site ever found in Missouri has been discovered by archaeologist Larry Schmitz near the city of Lathrop, where a recent cultural resources survey located three highly significant archaeological sites in an area adjacent to Shoal Creek. Excavations focused on late Paleoindian, Early Archaic, and Late Archaic components. The remains of a small, Early Archaic, hearth at one of the three sites was radiocarbon dated at approximately 10,430 years while an associated hearth was dated at 8,360 years.

Historic Preservation Program Senior Archaeologist Michael Weichman theorizes that Aboriginal Americans of the Early Dalton period type (nomadic hunter-gatherers) used the Shoal Creek site as the gathering place for chert — the raw material used for primitive tools. "It seems likely," stated Weichman, "that chert preforms (or blanks) were produced at the site and then taken to an encampment on the Little Blue River two miles away for final production into various tools."

For more information, call (314) 751-7958 or write Michael Weichman, Senior Archaeologist. — *Karen Grace*

MISSOURI

HISTORIC ARCHITECTURE

The French Vernacular Houses of Ste. Genevieve ca 1785-1850

Characteristics:

- Massive stone chimneys
- Wrap around porch or *galerie*
- Steep French hip (four sided) roof or *pavilion* — no dormers
- Double casement windows with shutters
- Vertical log walls covered with plaster
- Post in ground (*poteaux en terre*) or post on sill (*poteaux sur sole*) foundation



The Bequette-Ribault House

State Legislation Pending . . .

Senate Bill No. 124.

Sponsored by Sen. Harry Wiggins.

"AN ACT Relating to historic preservation." *Enabling legislation: to strengthen the ability of local governments, including counties, to establish preservation programs. Designates a state historic preservation officer (SHPO) by statute, outlines SHPO's duties, and formalizes the existence of the Missouri Advisory Council on Historic Preservation.*

Senate Bill No. 233.

Sponsored by Sen. Henry Panethiere.

"AN ACT To repeal four sections of a previously passed bill relating to unmarked human burial sites and to enact five new sections relating to the same subject." *Bill clarifies previous legislation related to unmarked human burial sites and adds a mechanism for civil action in cases of violation of the ACT.*

Senate Bill No. 75.

Sponsored by Sen. Henry Panethiere.

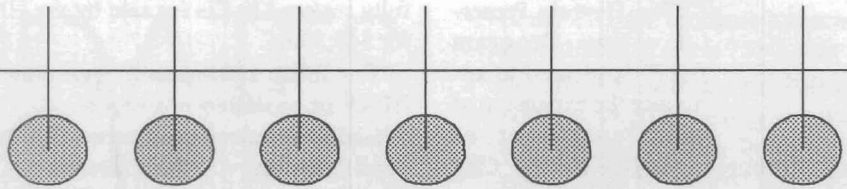
"AN ACT Relating to excavation of abandoned shipwrecks, with penalty provisions." *Bill regulates the excavation of historic shipwrecks to permitted professionals; regulates the export of salvage outside of the state; and provides penalties for noncompliance.*

To track the progress of pending legislation call the **Senate Hotline**, (314) 751-3824.

"It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled." - Supreme Court Justice William O. Douglas, *Berman v. Parker*, 1954

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issues

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Historic Preservation Program
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DATES TO REMEMBER

February is **Black Heritage Month**! Check media for local events statewide.

Black Heritage Month activities Feb. 3-March 2 at the Arch & Old Courthouse on the St. Louis Riverfront. For a detailed listing of activities and times, call (314) 425-4468.

Public Archaeology Lecture Series Feb. 23, Joplin; March 9, St. Joseph; March 23, Rolla. Call Archaeological Survey of Missouri **HOTLINE** 1-800-472-3223.

March is **Women's History Month**! Check media for local events statewide.

Introduction to Federal Projects & Historic Preservation Laws March 11-13, Kansas City, \$210. Call GSA Interagency Training Center, (703) 557-0986.

Kansas City Regional Office Open House March 14 All Day! 3800 S. Elizabeth Ave., Suite G, Independence. Call Beverly Fleming, (816) 795-8655.

Route 66 Meeting March 23 12 p.m. at Zeno's in Rolla. Call Wayne Bales, (314) 364-7656.

Annual Local Preservation Conference, "Preservation Challenges" April 6-7, Hannibal. Call (314) 751-7860.

Missouri Alliance for Historic Preservation Annual Meeting April 6, Hannibal. Call (314) 635-6877.

Missouri Advisory Council on Historic Preservation Meeting May 10. For more information, call (314) 751-5365.

National Preservation Week, "Celebrate **YOUR Heritage**" May 12-18. Plan now for local celebrations. Call (314) 751-7959 for ideas.

★ **25th Anniversary of the National Register of Historic Places, 1991.**

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